

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOEY OLIVER,

Plaintiff,

v.

Case Number 08-11768
Honorable Thomas L. Ludington

PALUS and SALINAS,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DENYING MOTION FOR TEMPORARY RESTRAINING ORDER**

On June 2, 2009, Magistrate Judge R. Steven Whalen issued a report and recommendation that the Court deny Plaintiff's motion for a temporary restraining order. Dkt. # 14. None of the parties to this action filed objections to the report and recommendation. A party's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 14] is **ADOPTED**.

It is further **ORDERED** Plaintiff's motion for a temporary restraining order [Dkt. # 8] is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: July 16, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 16, 2009.

s/Tracy A. Jacobs _____
TRACY A. JACOBS